

03-0 -0582

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

U-03-09
3-11-03

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16-04.005(1)(l) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **Private School** is hereby approved. Said use is granted to **The Donnellan School, Inc.** and is to be located at **4449 Northside Drive, N.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **161** of the **17th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinances are hereby repealed.

Conditions for U-03-09

Approval conditioned on the site plan entitled "A Master Plan for the Donnellan School" prepared by CDH Partners, dated February 24, 2003, last revised May 8, 2003 and marked received by the Bureau of Planning May 8, 2003 and with the following additional conditions:

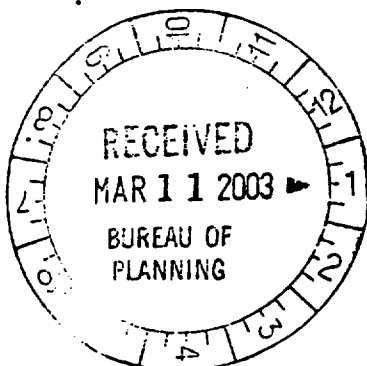
1. The student enrollment of this school shall not exceed 320. The facilities of this school shall be available only to faculty employed at this location and to students of the Donnellan School registered and attending classes at this location. No Donnellan School student may be transported to the school from any other site for instruction. This condition is not intended to prohibit students from the other Donnellan locations or from other schools from attending athletic or similar competitive events at this location. Further, while it is the intent of this condition to prohibit the use of Donnellan School facilities by other individuals or entities including the Church of the Holy Spirit, it is not its intent to prohibit occasional, incidental, non-organized use by individual members of said church.
2. The hours of operation of the school shall be Monday – Friday 7:00 a.m. – 6:00 p.m. Extra-curricular activities may occur Mon-Fri until 11:00 p.m. and on Saturdays from 9:00 a.m. – 4:00 p.m. These terms of operation shall not apply to the Athletic (soccer) field (see condition 4), but shall apply to all other outdoor recreational field and facilities.
3. The applicant shall submit to the City of Atlanta prior to the issuance of Certificate of Occupancy for the school a shared parking agreement between the Donnellan School and the Church of the Holy Spirit permitting mutual parking on the property occupied by the Church of the Holy Spirit and the Donnellan School such that the school has at least 203 spaces available during its hours of operation and the church has at least 200 spaces available during its services.
4. The use of the existing athletic (soccer) field shall be limited as follows:
 - a. The field shall not be lighted.
 - b. The field shall be for the exclusive use of Donnellan faculty and students. It may be used by students of other schools (including other Donnellan locations) only as part of a competitive event and only for the duration of that event.

- c. The hours of operation of this athletic field shall be Monday – Friday, 8:00 a.m. – 6:00 p.m. and Saturdays 9:00 a.m. – 4:00 p.m. Under no circumstances shall the field be in use on Sundays. It is the specific intent of this condition to place more restrictive terms of use on this field than apply to the balance of the school property including all other outdoor recreational fields and facilities.
- 5. A six (6) foot high fence (in green vinyl clad chain link or other material) shall enclose all other boundaries between the school and any residential neighborhood.
- 6. Sound Devices – No loudspeakers, horns or amplified sound system of any kind shall be used in connection with the soccer field.
- 7. Prior to receiving a Certificate of Occupancy for this project, the applicant will install a traffic signal at the intersection of Northside Drive and Mount Paran Road, provided a traffic signal warrant study indicates that such a signal is justified and subject to the approval of such installation by the City of Atlanta, Department of Public Works, Traffic and Transportation.

EXHIBIT "A" TO A. GENERAL EASEMENT AND PARKING L. AT AGREEMENT

All that tract or parcel of land lying and being in Land Lot 161 of the 17th District, Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING begin at an iron pin located at the common corner of Land Lots 137, 138, 161 and 162 of the 17th District, Fulton County, Georgia; running thence in a westerly direction along the northerly line of Land Lot 161 of the 17th District, Fulton County, a distance of 490.09 feet to an iron pin, continuing thence north $89^{\circ} 34' 12''$ west along the northerly line of Land Lot 161 of the 17th District, Fulton County, Georgia, a distance of 590.79 feet to an iron pin, said iron pin being the true point of beginning; running thence south $0^{\circ} 25' 48''$ west a distance of 94.24 feet to an iron pin; running thence south $60^{\circ} 37' 34''$ west a distance of 38.20 feet to an iron pin; running thence in a southwesterly and southerly direction forming a curve to the left a distance of 111.03 feet to an iron pin, said distance having a chord of south $33^{\circ} 15' 22''$ west a distance of 106.85 feet; running thence south $5^{\circ} 53' 10''$ west a distance of 24.91 feet to an iron pin; running thence in a southwesterly direction forming a curve to the left a distance of 92.13 feet to an iron pin, said distance having a chord of south $12^{\circ} 10' 16''$ west a distance of 91.94 feet; running thence south $15^{\circ} 27' 22''$ west a distance of 179.18 feet to an iron pin; running thence in a southerly and southeasterly direction forming a curve to the left a distance of 66.60 feet to an iron pin, said distance having a chord of south $12^{\circ} 37' 11''$ east a distance of 63.38 feet; running thence south $43^{\circ} 41' 44''$ east a distance of 67.04 feet; running thence in a southwesterly and southeasterly direction and forming a curve to the left a distance of 47.96 feet to an iron pin, said distance having a chord of south $0^{\circ} 33' 29''$ west a distance of 43.33 feet; running thence south $44^{\circ} 48' 43''$ west a distance of 152.38 feet to an iron pin located on the northeasterly right-of-way line of Northside Drive (Northside Drive having a 50 foot right-of-way at said point); running thence north $45^{\circ} 48' 17''$ west along the northerly right-of-way line of Northside Drive a distance of 260.47 feet to an iron pin; running thence in a northwesterly direction and forming a curve to the right along the northeasterly right-of-way line of Northside Drive a distance of 221.09 feet to an iron pin located on the southeasterly right-of-way line of Mt. Paran Road (Mt. Paran Road having a 40 foot right-of-way at said point) to an iron pin, said distance having a chord of north $28^{\circ} 01' 38''$ west a distance of 217.56 feet; running thence north $27^{\circ} 56' 55''$ east along the southeasterly right-of-way line of Mt. Paran Road a distance of 184.98 feet to an iron pin; running thence in a northerly and northwesterly direction and forming a curve to the left along the southeasterly right-of-way line of Mt. Paran Road a distance of 228.43 feet to an iron pin located at the point of intersection of the southeasterly right-of-way line of Mt. Paran Road with the northerly land lot line of Land Lot 161 of the 17th District, Fulton County, Georgia, said distance having a chord of north $19^{\circ} 45' 23''$ east a distance of 177.11 feet; running thence south $89^{\circ} 34' 12''$ east along the northerly line of Land Lot 161 of the 17th District, Fulton County, Georgia, a distance of 344.25 feet to an iron pin located on the northerly line of Land Lot 161 of the 17th District, Fulton County, Georgia, said iron pin being the TRUE POINT OF BEGINNING, 1.00 acre as Tract #1 consisting of 5.069 acres according to the survey for Paul J. Hallinan, Archbishop of The Roman Catholic Diocese of Atlanta, prepared by Hartrampf, Powell & Assoc., August 12, 1975.



U-03-09

Page 1 of 2

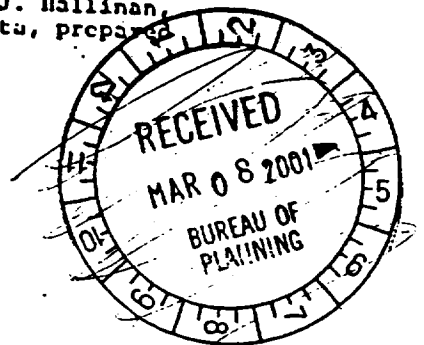
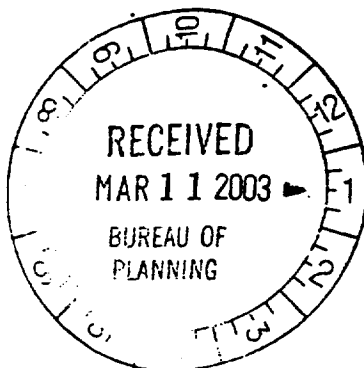


EXHIBIT "B" TO RECIPROCAL DRIVEWAY AND PARKING EASEMENT AGREEMENT

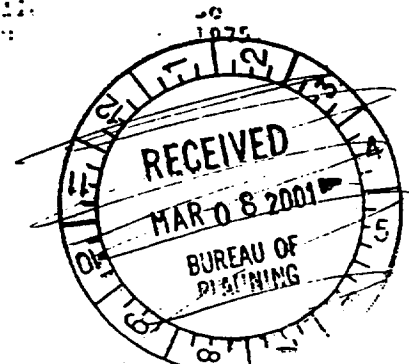
All that tract or parcel of land lying and being in Land Lot 161 of the 17th District and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING begin at an iron pin found at the common corner of Land Lots 137, 138, 161 and 162 of the 17th District, Fulton County, Georgia; running thence in a westerly direction along the northerly line of Land Lot 161, 17th District, Fulton County, Georgia, a distance of 490.05 feet to an iron pin, said iron pin being the true point of beginning; running thence south 5° 18' 53" east, a distance of 189.17 feet to an iron pin; running thence south 36° 30' 14" east a distance of 429.01 feet to an iron pin; running thence south 65° 39' 36" west a distance of 25.54 feet to an iron pin, continuing thence south 65° 35' 26" west a distance of 9.55 feet to an iron pin; running thence north 47° 40' 09" west a distance of 99.97 feet to an iron pin; running thence in a southwesterly direction along the centerline of a creek a distance of 471 feet, more or less, said dimension having the following traverse lines and distances; south 65° 54' 41" west, 104.18 feet, south 67° 24' 00" west, 80 feet, south 45° 26' 00" west, 110.43 feet, south 55° 21' 44" west, 134.46 feet, south 70° 14' 40" west, 25.61 feet; thence south 61° 59' 36" west a distance of 455.92 feet to an iron pin located on the northeasterly right-of-way line of Northside Drive (Northside Drive having a 50 foot right-of-way at said point); running thence north 45° 48' 17" west along the northeasterly right-of-way line of Northside Drive a distance of 267.62 feet to an iron pin; running thence north 44° 43' 43" east a distance of 152.38 feet to an iron pin; running thence in a northeasterly and thence northwesterly direction following a curve to the left, a distance of 47.55 feet to an iron pin, said distance having a chord of north 5° 33' 29" east a distance of 43.33 feet; running thence north 43° 41' 44" west a distance of 67.04 feet to an iron pin; running thence in a northwesterly and northerly direction along a curve to the right a distance of 66.60 feet to an iron pin, said distance having a chord of north 12° 37' 11" west a distance of 63.38 feet; running thence north 18° 27' 22" east a distance of 179.18 feet to an iron pin; running thence in a northerly and northwesterly direction along a curve to the left a distance of 92.13 feet to an iron pin, said distance having a chord of north 12° 10' 16" seconds east a distance of 91.94 feet; running thence north 5° 53' 10" east a distance of 24.91 feet; running thence in a northerly and northeasterly direction forming a curve to the right a distance of 111.05 feet to an iron pin, said distance having a chord of north 33° 15' 12" east a distance of 166.65 feet; running thence north 60° 27' 34" east a distance of 38.20 feet to an iron pin; running thence north 0° 00' 00" east a distance of 94.24 feet to an iron pin located on the northerly line of Land Lot 161 of the 17th District, Fulton County; running thence south 89° 34' 12" east along the northerly line of Land Lot 161 of the 17th District of Fulton County, a distance of 550.79 feet to an iron pin located on the northerly line of Land Lot 161 of the 17th District of Fulton County, said iron pin being the TRUE POINT OF BEGINNING. The land being consisting of 13.715 acres according to Boundary Map of J. Holliman, Archbishop of The Roman Catholic Archdiocese of Atlanta, by Hartrampf, Powell & Associates, Inc.



U-03-09

Page 2 of 2



PROPERTY DESCRIPTION

Being that tract or parcel of land lying in Land Lot 161 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the common corner of Land Lots 137, 138, 161 and 162 of the aforesaid District; thence running in a westerly direction along the Northerly line of said Land Lot 161, 490.09 +/- feet to a point; thence, continuing along the said Land Lot Line, North 89° 34' 12" West, 590.79 feet; thence, leaving said line of Land Lot 161 and running South 00° 25' 48" West, 51.43 feet to THE TRUE POINT OF BEGINNING of the herein described tract or parcel of land; thence, leaving the said POINT OF BEGINNING and running

1. South 00° 25' 48" West, 42.81 feet; thence,
2. South 60° 37' 34" West, 38.20 feet; thence,
3. 111.02 feet along the arc of a curve deflecting to the left, having a radius of 116.21 feet and a chord bearing and distance of South 33° 15' 22" West, 106.85 feet; thence,
4. South 05° 53' 10" West, 24.91 feet; thence,
5. 92.12 feet along the arc of a curve deflecting to the right, having a radius of 419.92 feet and a chord bearing and distance of South 12° 10' 16" West, 91.94 feet; thence,
6. South 18° 27' 22" West, 179.18 feet; thence,
7. 66.60 feet along the arc of a curve deflecting to the left, having a radius of 61.39 feet and a chord bearing and distance of South 12° 37' 11" East, 63.38 feet; thence,
8. South 43° 41' 44" East, 67.04 feet; thence,
9. 47.96 feet along the arc of a curve deflecting to the right, having a radius of 31.05 feet and a chord bearing and distance of South 00° 33' 29" West, 43.33 feet; thence,
10. South 44° 48' 43" West, 148.88 feet; thence,
11. North 45° 11' 17" West, 12.50 feet; thence,
12. North 44° 48' 43" East, 30.00 feet; thence,
13. North 45° 48' 17" West, 211.50 feet; thence,
14. North 44° 11' 43" East, 19.00 feet; thence,
15. North 51° 24' 43" West, 70.44 feet; thence,
16. North 55° 06' 33" West, 37.00 feet; thence,
17. North 28° 36' 06" West, 41.42 feet; thence,
18. North 34° 50' 38" East, 23.99 feet; thence,
19. North 64° 04' 49" East, 21.21 feet; thence,
20. South 55° 07' 58" East, 46.00 feet; thence,
21. South 34° 53' 26" West, 13.51 feet; thence,
22. South 10° 12' 27" East, 7.07 feet; thence,
23. South 51° 47' 39" East, 44.99 feet; thence,
24. South 51° 47' 39" East, 44.99 feet; thence,
25. North 27° 07' 55" East, 13.63 feet; thence,
26. North 34° 52' 16" East, 142.01 feet; thence,
27. North 71° 00' 01" East, 78.58 feet; thence,
28. North 18° 27' 22" East, 62.34 feet; thence,
29. 88.18 feet along the arc of a curve deflecting to the left, having a radius of 401.92 feet and a chord bearing and distance of North 12° 10' 16" East, 88.00 feet; thence,
30. North 05° 53' 10" East, 24.91 feet; thence,

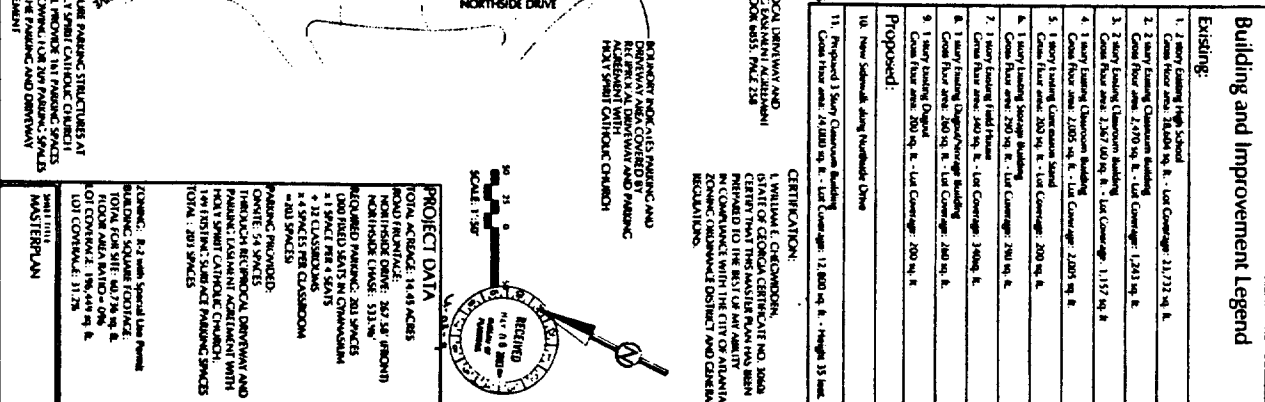
U-03-09

page 1 of 2

31. 128.22 feet along the arc of a curve deflecting to the right, having a radius of 134.21 feet and a chord bearing and distance of North 33° 15' 22" East, 123.40 feet; thence,
32. North 63° 14' 21" East, 20.27 feet; thence,
33. North 01° 31' 13" East, 4.16 feet; thence,
34. 27.37 feet along the arc of a curve deflecting to the left, having a radius of 17.57 feet and a chord bearing and distance of North 43° 06' 40" West, 24.68 feet; thence,
35. North 87° 44' 33" West, 110.00 feet; thence,
36. South 70° 17' 28" West, 52.20 feet; thence,
37. 23.02 feet along the arc of a curve deflecting to the left, having a radius of 22.77 feet and a chord bearing and distance of South 41° 19' 49" West, 22.05 feet; thence,
38. South 12° 22' 10" West, 21.42 feet; thence,
39. 6.87 feet along the arc of a curve deflecting to the left, having a radius of 4.30 feet and a chord bearing and distance of South 33° 26' 33" East, 6.16 feet; thence,
40. South 79° 15' 15" East, 17.52 feet; thence,
41. South 10° 44' 36" West, 82.00 feet; thence,
42. North 79° 15' 25" West, 24.67 feet; thence,
43. South 79° 09' 18" West, 20.38 feet; thence,
44. North 12° 08' 25" West, 16.73 feet; thence,
45. North 79° 20' 24" West, 44.36 feet; thence,
46. South 10° 39' 26" West, 4.87 feet; thence,
47. North 76° 21' 04" West, 9.87 feet; thence,
48. South 10° 19' 01" West, 43.75 feet; thence,
49. South 50° 25' 52" West, 45.66 feet; thence,
50. 29.79 feet along the arc of a curve deflecting to the right, having a radius of 33.95 feet and a chord bearing and distance of South 75° 34' 32" West, 28.85 feet; thence,
51. North 79° 16' 47" West, 56.18 feet to a point on the Southeasterly right of way line of Mt. Paran Road; thence, running with the said line of Mt. Paran Road
52. North 27° 56' 55" East, 45.32 feet; thence,
53. 16.16 feet along the arc of a curve deflecting to the left, having a radius of 798.80 feet and a chord bearing and distance of North 27° 22' 09" East, 16.16 feet; thence, leaving the aforesaid right of way line of Mt. Paran Road and running
54. South 07° 48' 30" East, 12.91 feet; thence,
55. South 48° 59' 33" East, 34.47 feet; thence,
56. North 89° 12' 53" East, 13.40 feet; thence,
57. North 13° 12' 43" East, 70.70 feet; thence,
58. North 13° 12' 43" East, 70.70 feet; thence,
59. North 41° 06' 42" West, 33.79 feet to a point on the aforesaid right of way line of Mt. Paran Road; thence, running with the said line of Mt. Paran Road
60. 25.41 feet along the arc of a curve deflecting to the left, having a radius of 798.80 feet and a chord bearing and distance of North 15° 59' 02" East, 25.41 feet; thence, leaving the aforesaid right of way line of Mt. Paran Road and running
61. North 88° 16' 10" East, 264.28 feet; thence,
62. South 85° 41' 05" East, 69.18 feet; thence,
63. South 67° 17' 20" East, 23.83 feet to the POINT OF BEGINNING, containing 90,793 square feet or 2.0843 acres of land, more or less.

Property is subject to all easements and rights of way, recorded and unrecorded. The description above is prepared without the benefit of a up-to-date boundary survey.

U-03-09
Page 2 of 2



1. *100% flaxseed oil*, 500 mg. *Lot Coverage*: 21,773 sq. ft.
2. *100% flaxseed oil*, 470 mg. *Lot Coverage*: 1,241 sq. ft.
3. *100% flaxseed oil*, 450 mg. *Lot Coverage*: 1,117 sq. ft.
4. *100% flaxseed oil*, 320 mg. *Lot Coverage*: 2,005 sq. ft.
5. *100% flaxseed oil*, 280 mg. *Lot Coverage*: 200 sq. ft.
6. *100% flaxseed oil*, 260 mg. *Lot Coverage*: 280 sq. ft.
7. *100% flaxseed oil*, 240 mg. *Lot Coverage*: 340 sq. ft.
8. *100% flaxseed oil*, 220 mg. *Lot Coverage*: 340 sq. ft.
9. *100% flaxseed oil*, 200 mg. *Lot Coverage*: 200 sq. ft.

1. WILLIAM E. CHIDWODEN,
STATE OF GEORGIA CERTIFICATE NO. 3000
CERTIFY THAT THIS MASTER PLAN HAS BEEN
PREPARED TO THE BEST OF MY ABILITY
IN CONFORMANCE WITH THE CITY OF ATLANTA
ZONING ORDINANCE DISTRICT AND GENERAL
REGULATIONS.

TOTAL ACRES: 14.45 ACRES
ROAD FRONTAGE:

NORTHSHORE CHURCH: 513 sq. ft.
ACQUIRED PARKING: 201 SPACES
1000 FIXED SEATS IN CHURCH/SANCTUARY
= 1 SPACE PER 4 SEATS
= 12 CLASSROOMS
= 4 SPACES PER CLASSROOM
= 48 SPACES
PARKING PROVIDED:
ON-SITE: 54 SPACES
THROUGH RECUMBENT DRIVEWAY AND
PARKING LOT/PAVED ADJUTMENT WITH
TWO SPOT CIRCULAR CHURCH;
194 TRUCK, SUBARU AND PARKING SPACES
TOTAL: 201 SPACES

ZONING: R-2 with Special Use Permit
 BUILDING SQUARE FOOTAGE:
 TOTAL FOR SITE: 60,736 sq. ft.
 FLOOR AREA RATIO = 0%
 LOT COVERAGE: 15%, 449 sq. ft.
 LOT COVERAGE: 31.2%

MP01

17

A MASTERPLAN FOR

THE DONNELLAN SCHOOL

NORTHSIDE DRIVE, ATLANTA GA 30377



CODE PARTNER

For more information, contact:

Code Partner, Inc.
1000 Peachtree Street, N.E.
Atlanta, GA 30309
Tel: 404.525.1100
Fax: 404.525.1101